

REMARKS

In the aforementioned claim amendments, claims 1 and 12 are amended, and claims 3, 10 and 11 are canceled. Now pending in the application are claims 1, 2, 4-9 and 12-17, of which claims 1, 12 and 14 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Patentable Subject Matter

Claims 12-17 are indicated to recite patentable subject matter over the cited prior art references. To pass the claims to allowance, Applicants amend claim 12 in independent form including the limitations of claim 10 (base claim) and claim 11 (intervening claim), and cancel claims 10 and 11. In light of the claim amendments, Applicants submit that claims 12-17 are in condition for allowance

Claim Amendments

Applicants amend claim 1 to clarify the scope of the claimed invention. Claim 1 is amended to incorporate the limitations originally included in claim 3. Claim 3 is subsequently canceled. No new matter is added.

Claim Rejections under 35 U.S.C. §103

Claim 1 is rejected under 35 U.S.C. § 103(a) as being obvious over JP 2000-88196. Applicants respectfully traverse this rejection for the following reasons.

Claim 1 recites a hydrogen supplying device that includes a hydrogen occlusion tank and a hydrogen tank in which hydrogen is stored in a compressed condition. Claim 1 recites that *hydrogen is supplied to the fuel cell only from the hydrogen tank when the temperature of the hydrogen occlusion tank is lower than a lower limit temperature, and hydrogen is*

supplied to the fuel cell from the hydrogen occlusion tank when the temperature of the hydrogen occlusion tank is equal to or higher than the lower limit temperature.

Applicants submit that the cited reference fails to teach or suggest all of the limitations of claim 1. The JP 2000-88196 reference does not teach *both of the hydrogen occlusion alloy tank and the hydrogen tank in which hydrogen is stored in a compressed state*, as recited in amended claim 1. The JP 2000-88196 reference teaches a hydrogen occlusion alloy tank. However, the JP 2000-88196 reference does not teach a hydrogen tank in which hydrogen is stored in a compressed state.

Additionally, the JP 2000-88196 reference does not teach that *a supply of hydrogen to the fuel cell from the hydrogen occlusion tank is stopped and hydrogen is supplied to the fuel cell only from the hydrogen tank when the temperature of the hydrogen occlusion tank is lower than a lower limit temperature, and hydrogen is supplied to the fuel cell from the hydrogen occlusion tank when the temperature of the hydrogen occlusion tank is equal to or higher than the lower limit temperature*, as recited in amended claim 1. According to the hydrogen supplying device of the claimed invention, it becomes possible to supply hydrogen from the hydrogen tank to the fuel cell when the temperature of the hydrogen occlusion tank is lower than the lower limit temperature at which the amount of hydrogen discharged from the hydrogen occlusion tank is decreased (See, page4, lines 6-19 of the Specification). Therefore, a supply of hydrogen to the fuel cell may be performed in a stable manner even when the supply from the hydrogen occlusion tank is difficult. This significant advantage associated with the presence of two hydrogen tanks is not taught or even suggested by the cited reference.

In light of the claim amendments and aforementioned arguments, Applicants submit that the claimed invention is structurally different from the JP 2000-088196 reference. Applicants also submit that the claimed invention has a significant advantage over the cited reference in that a supply of hydrogen to the fuel cell is performed in a stable manner even

when the supply from the hydrogen occlusion tank is difficult. Therefore, it is not obvious for those of ordinary skill in the art to conceive the claimed invention by reading the disclosure of the JP 2000-088196 reference. Applicants submit that claim 1 is in condition for allowance.

Claim Rejections under 35 U.S.C. §103

Claim 1-11 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,229,222 to Tsutsumi *et al.* (“Tsutsumi I”), U.S. Patent No. 5,366,820 to Tsutsumi *et al.* (“Tsutsumi II”), U.S. Patent No. 6,459,231 to Kagatani (“Kagatani”), U.S. Patent No. 6,468,681 to Moriguchi (“Moriguchi”), U.S. Publication No. 2002/00254460 (“Horiguchi”), and U.S. Publication No. 2003/0077489 (“Sahoda”). Applicants respectfully traverse this rejection for the following reasons.

Applicants submit that there is no motivation or suggestion for those of ordinary skill in the art to combine or modify the reference teachings. The prior art references cited by the Examiner must provide the motivation or suggestion to make a change to its own teachings to arrive at the claimed invention. It is not sufficient that the prior art references could be so modified or combined; instead the prior art references must teach or suggest that the prior art should be so modified or combined. It is well-established that the motivation to modify the teachings of a reference or to combine references must come from the references themselves, and cannot be derived from the teachings of the application under examination. Applicants therefore submit that there is no motivation or suggestion, in the cited prior art references, to combine or modify the reference teachings.

Additionally, Applicants submit that the cited references, even if combined, fail to teach or suggest all of the limitations of amended claim 1. Based on the same arguments set forth above, Applicants submit that the cited references fails to teach or suggest *both of the hydrogen occlusion alloy tank and the hydrogen tank in which hydrogen is stored in a*

compressed state, as recited in claim 1. The cited references teach only a hydrogen occlusion alloy, not a hydrogen tank in which hydrogen is stored in a compressed state. Applicants also submit that the cited references fails to teach or suggest that a supply of hydrogen to the fuel cell from the hydrogen occlusion tank is stopped and hydrogen is supplied to the fuel cell only from the hydrogen tank when the temperature of the hydrogen occlusion tank is lower than a lower limit temperature, and hydrogen is supplied to the fuel cell from the hydrogen occlusion tank when the temperature of the hydrogen occlusion tank is equal to or higher than the lower limit temperature, as recited in amended claim 1.

In light of the claim amendments and the aforementioned arguments, Applicants submit that there is no motivation to modify or combine the reference teachings and, even if combined, the cited references fail to teach or suggest all of the limitations of claim 1. Therefore, Applicants submit that claims 1, 2, 4-9 are in condition for allowance.

CONCLUSION

For the foregoing reasons, Applicants contend that Claims 1, 2, 4-9 and 12-17 are in condition for allowance. If there are any remaining issues, an opportunity for an interview is requested prior to the issuance of another Office Action. If the above amendments are not deemed to place this case in condition for allowance, the Examiner is urged to call Applicants' representative at the telephone number listed below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Anthony A. Laurentano
Attorney for Applicants

28 State Street
Boston, MA 02109
(617) 227-7400

Date: June 18, 2004